

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION**

JOSE BONILLA FIALLOS

11107 Lakeside Court

Hagerstown, Maryland 21740

Plaintiff

v.

Civil Action No. _____

HAMZAH SLAUGHTER HOUSE, LLC

15680 Clear Spring Road

Williamsport, Maryland 21795

SERVE ON:

Imad Rababeh, Resident Agent

15680 Clear Spring Road

Williamsport, Maryland 21795

&

IMAD RABABEH

15680 Clear Spring Road

Williamsport, Maryland 21795

Defendants

COMPLAINT

COMES NOW the Plaintiff, Jose Bonilla Fiallos, by and through his undersigned counsel, who hereby files this Complaint against Defendants Hamzah Slaughter House, LLC and Imad Rababeh for violations of the Federal Fair Labor Standards Act, 29 U.S.C. § 201, et seq., Maryland Wage Payment Act, Md. Code Ann., Lab. & Empl. § 3-401, et seq., and the Maryland Wage Payment and Collection Act, Md. Code Ann., Lab. & Empl. § 3-501, et seq., and in support thereof states as follows:

PARTIES AND JURISDICTION

1. Plaintiff Jose Bonilla Fiallos is an adult male over the age of eighteen (18) years-old and a resident of Washington County, Maryland. At all times relevant to this Complaint, Plaintiff worked as an employee of Defendants within the meaning of 29 U.S.C. § 203(e).

2. Defendant Hamzah Slaughter House, LLC is an employer within the meaning of 29 U.S.C § 203(d), and is a Virginia Limited Liability Company registered to do business in the State of Maryland with the Maryland State Department of Assessments and Taxation, and which has a principal place of business located in Washington County, Maryland. Defendant Hamzah Slaughter House, LLC exercised ownership and operational control over Plaintiff concerning his employment.

3. Defendant Imad Rababeh is an adult male over the age of eighteen (18) years-old and is an employer within the meaning of 29 U.S.C. § 203(d). Defendant Rababeh is the owner of Defendant Hamzah Slaughter House, LLC, and exercised ownership and operational control over Plaintiff concerning his employment.

4. This Court has original jurisdiction under 28 U.S.C. § 1331, the above-captioned matter being brought in part under the Federal Fair Labor Standards Act, 29 U.S.C. § 201, et seq. (the “FLSA”).

5. Venue is proper in this Court as the events giving rise to Plaintiff’s claim occurred in the District of Maryland, and the Defendant maintains a regular place of business in Washington County, Maryland.

STATEMENT OF FACTS

Plaintiff hereby re-alleges and incorporates by reference all facts and allegations contained in Paragraphs 1 through 5 as if more fully set forth herein, and further states:

6. Plaintiff was employed as an employee of Defendant Hazmah Slaughter House, LLC and Defendant Imad Rababeh at Defendants' Washington County, Maryland location.

7. Defendants are engaged in interstate commerce in that Defendants purchase livestock and other items from outside the State of Maryland and sell their products to customers located in states other than Maryland. Defendants accrue at least \$500,000.00 in revenue each year.

8. Defendants primarily operate out of the Hazmah Slaughter House farm located at 15680 Clear Spring Road, Williamsport, Maryland 21795. Defendants also maintain a "temporary office" in Annandale, Virginia.

9. Defendants pay Plaintiff a flat rate of \$170.00 per day.

10. Defendants ostensibly pay Plaintiff \$21.25 per hour.

11. Plaintiff regularly worked in excess of forty (40) hours per week.

12. Plaintiff worked approximately fourteen (14) hours per day, six (6) to seven (7) days per week, beginning his day at approximately 5:30 a.m. and often finishing at 7:30 p.m. each day.

13. Defendants did not maintain a time clock or timekeeping system, but rather a secretarial employee of the Defendants took attendance at the end of each day and provided that attendance list and a list of tasks accomplished to representatives of Defendants.

COUNT I: VIOLATION OF THE FEDERAL FAIR LABOR STANDARDS ACT (29 U.S.C. § 201, et seq.)

Plaintiff hereby re-alleges and incorporates by reference all facts and allegations contained in Paragraphs 1 through 12 as if more fully set forth herein, and further states:

14. Defendants are engaged in interstate commerce and is registered as a carrier with the United States Department of Transportation, USDOT Number 1554733. *See Federal Motor*

Carrier Safety Administration Company Snapshot attached hereto and expressly incorporated by reference herein as Exhibit 1.

15. Plaintiff is not paid on a salary basis, but rather received a flat rate of \$170.00 per day which ostensibly places his compensation in terms of hourly pay at \$21.25 per hour.

16. Defendants regularly employed Plaintiff for workweeks longer than forty (40) hours without paying Plaintiff one and one-half times his regular hourly rate as overtime compensation for each hour worked over forty (40) in a workweek, in violation of 29 U.S.C. § 207(a).

17. Plaintiff is not exempt from the FLSA because he is paid on an hourly basis and should be compensated for appropriate overtime.

18. Furthermore, Plaintiff is not exempt under 29 C.F.R. 541.3 as Plaintiff is employed as a manual laborer and/or a “blue collar” worker who performs work involving repetitive operations with his hands.

19. Defendants’ practices violate the provisions of the federal Fair Labor Standards Act, 29 U.S.C. § 201, et seq. As a result of these unlawful practices, Plaintiff has suffered a loss of wages.

20. All conditions precedent to the filing of this suit have been satisfied.

COUNT II: VIOLATION OF THE MARYLAND WAGE PAYMENT LAW (Md. Code Ann.,
Lab & Empl. § 3-401, et seq.)

Plaintiff hereby re-alleges and incorporates by reference all facts and allegations contained in Paragraphs 1 through 20 as if more fully set forth herein, and further states:

21. Defendant has failed and refused to pay Plaintiff for all hours worked as required by the Maryland Wage Payment Act.

22. Defendant has failed and refused to pay Plaintiff for overtime at the rate of one and one-half times his regularly hourly wage as required by the Maryland Wage Payment Act.

**COUNT III: VIOLATION OF THE MARYLAND WAGE PAYMENT AND COLLECTION
LAW (Md. Code Ann., Lab & Empl. § 3-501, et seq.)**

Plaintiff hereby re-alleges and incorporates by reference all facts and allegations contained in Paragraphs 1 through 22 as if more fully set forth herein, and further states:

23. The Maryland Wage Payment and Collection Law requires employers to pay wages to employees when due.

24. Defendant is liable to Plaintiff for treble damages and attorney's fees pursuant to the Maryland Wage Payment and Collection Law.

JURY DEMAND

Plaintiff demands a jury trial on all issues triable by jury.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jose Bonilla Fiallos respectfully requests this Honorable Court:

A. Award Plaintiff an amount equal to Plaintiff's unpaid back wages at the applicable overtime rate for each hour worked over forty;

B. Award Plaintiff all unpaid wages currently due and owing to Plaintiff;

C. Award Plaintiff all unpaid overtime currently due and owing to Plaintiff at the rate of one and one-half times the Plaintiff's hourly rate;

D. Award treble damages to Plaintiff;

E. Award Plaintiff his reasonable attorney's fees in connection with the prosecution of the above-captioned matter;

F. Reduce its award(s) to a monetary Judgment in favor of the Plaintiff and against the Defendants; and,

G. For such other and further relief as justice may so require.

Respectfully Submitted,

LAW OFFICE OF NEIL S. HYMAN, LLC

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